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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
**Tatta**

Serial No.: **10/691,718**

Filed: **October 22, 2003**

**For: MOUNTING DEVICE AND METHOD  
FOR ATTACHING AN ELECTRONIC TOLL  
PASS ASSEMBLY TO A VEHICLE  
WINDSHIELD**

Examiner: **K. H. Chan**

Group Art Unit: **3632**

Date: **August 25, 2005**

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA in accordance with 37 C.F.R. §1.8, on this day

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**August 25 2005**

(Signature and Date)

**[Signature] 8-25-05**

Mail Stop -Amendment  
Commissioner of Patents and Trademarks

**RECEIVED  
OIPE/IAP**

**SEP 12 2005**

**REPLY TO RESTRICTION REQUIREMENT/ ELECTION OF SPECIES**

Sir:

Pursuant to the Office Action dated July 25, 2005 and received in regard to the above-identified application, please enter the following amendments and remarks.

**Provisional Election Of Claims**

The Applicant selects the Method claims, Claims 9, 11-15 for the purposes of examination, with traverse.

**Provisional Election Of Species**

The Applicant elects the species set forth in Figs 1-3 of the application. This election is also made with traverse. It is believed that the method claim of Claim 9 is generic to all

illustrated species.

### **TRAVERSAL OF RESTRICTION REQUIREMENT**

The Applicant believes the Examiner's restriction to be improper.

This application has already been examined. The Examiner performed a search and examined **ALL** of the claims on the merits.

The Applicant has already amended the claims in view of the search and examination that was performed by the Examiner.

MPEP 803 states that **"if the search and examination of an entire application can be made without serious burden, the examiner MUST examine it on the merits, even though it includes claims to distinct or independent inventions."**

In the present case, the application has already been searched and the claims examined. If the search and examination has already occurred, how can these actions possibly present be a serious burden ?

The Examiner need only apply the search and the previous examination to the amended claims.

Since it is clear that the examination of all the pending claims will not burden the Examiner, the restriction criteria set forth in MPEP 803(2) has not been met and the restriction requirement is improper.

The Examiner is therefore respectfully requested to withdraw the restriction.

### **TRAVERSAL OF ELECTION**

MPEP 808.02(3) states **"where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions."**

In the present case, the Examiner has already searched all species. There was one search.

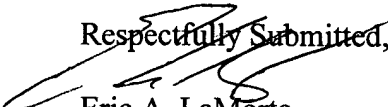
The Examiner's own actions show that there is only one field of search for all species. The request for an election is therefore unjustified and should be withdrawn.

### **III. SUMMARY**

The application has already been search by the Examiner and examined on the merits. The Applicant has already amended the application in view of the Examiner's search and examination. The request to restrict claims and selection species at this point in the examination cycle is without justification.

This is the second unorthodox action received for this application. If there is a problem or if the Examiner has any questions regarding this application, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

  
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